

EXHIBIT A

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KACHENA WILLIAMS,

Plaintiff,

vs

Case No: 2021-
HON:

NI

JAMES DOUGLAS BUTLER, and
J RYAN TRUCKING, INC.
Jointly and Severally,

Defendants.

GREGORY T. YOUNG (P40125)
WEAVER & YOUNG, P.C.
Attorney for Plaintiff
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(248) 855-1500

COMPLAINT AND JURY DEMAND

A Civil action between these parties or other parties arising out of the transaction or occurrence alleged in the Complaint has been previously filed in Wayne County Circuit Court. The docket number is: 19-014699-NF and is assigned to the HON. ANNETTE J. BERRY. The action is still pending.

NOW COMES the above-named Plaintiff, by and through Plaintiff's attorneys, Weaver & Young, P.C., and for the Complaint against the above-named Defendants, Plaintiff states as follows:

COMMON ALLEGATIONS

1. Plaintiff, was at all times relevant herein a resident of the County of

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1-013340-NI FILED IN MY OFFICE Cathy M. Garner WAYNE COUNTY CLERK

Wayne, State of Michigan.

2. Defendant, JAMES DOUGLAS BUTLER, at all times relevant herein, upon information and belief was a resident of the Province of Ontario, Canada.

3. That Defendant, J RYAN TRUCKING INC, upon information and belief, is a Canadian Corporation, and at all times relevant herein, operated and/or did business in the County of Wayne, State of Michigan.

4. This Complaint is based upon an auto accident which occurred on or about November 5, 2018 in the County of Wayne, State of Michigan.

5. The amount in controversy excluding interest, costs and attorney fees for each of the Plaintiffs claims against the Defendants exceeds Twenty Five Thousand (\$25,000.00) Dollars for each Plaintiff and is otherwise within the jurisdiction and venue of this Court.

COUNT I - NEGLIGENCE

6. Plaintiff repeats and realleges each and every preceding paragraph as if fully set forth herein.

7. On or about November 5, 2018, Plaintiff was a properly driving a vehicle in the County of Wayne, State of Michigan.

8. At the same time and place, Defendant, JAMES DOUGLAS BUTLER upon information and belief, was hired and/or in the employ of Defendant, J RYAN TRUCKING, INC and who was driving a commercial vehicle owned by Defendant J RYAN TRUCKING, INC, did suddenly and without warning impact Plaintiff's vehicle thereby causing a severe collision between Plaintiff's vehicle and the vehicle being

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operated by Defendant, JAMES DOUGLAS BUTLER, said impact ultimately resulting in serious impairment of important bodily functions to the Plaintiff.

9. It was there and then the duty of Defendant, JAMES DOUGLAS BUTLER to operate the aforementioned commercial vehicle, while in the course of his employment, in a careful and prudent manner and in the exercise of due care and such operation as the rules of the common law require and without any negligence and in accordance with the laws of the State of Michigan, Motor Carrier Safety Regulations, and the Michigan Motor Carrier Liability Act.

10. Disregarding said duties, Defendant, JAMES DOUGLAS BUTLER, operated said commercial vehicle in a careless, reckless and wanton manner and without due care, caution and observation, and at a speed too fast for the conditions then and there existing and failed to have said vehicle under control and failed to keep a sharp and careful lookout for objects, thereby causing the collision between Defendant and the Plaintiff.

11. That Defendant, JAMES DOUGLAS BUTLER caused the vehicle to be operated in a careless, negligent, reckless and wanton manner including, but not limited to the following:

- (a) Operated said vehicle carelessly and recklessly in willful and wanton disregard of the rights and safety of others and without due caution and circumspection and at speeds and conditions and manners so as to endanger or to be likely to endanger and persons or property, especially the Plaintiff herein, contrary to the provisions of MCL 257.626, MSA 9.2326;
- (b) In failing to drive said vehicle at a careful and prudent speed not greater nor less than is reasonable and proper, having due regard to the

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traffic, surface and width of the highway and of any other conditions then existing, and at a speed greater than would permit defendant to bring the vehicle to a stop within the assured clear distance ahead, contrary to MCL 257.627, MSA 9.2327;

- (c) In failing to observe and obey all traffic control devices including, but not limited to, stop signs, stop lights, cross-walks and other control devices so as not to endanger nor be likely to endanger any person or property, especially your Plaintiff herein;
- (d) In failing to apply the said vehicle's brakes if the vehicle was properly equipped with brakes adequate to control the movement of and to stop and hold said vehicle, contrary to MCL 257.705, MSA 9.2405;
- (e) In failing to sound said vehicle's horn, or failing to give any visible or audible warning or signal contrary to MCL 257.706, MSA 9.2406;
- (f) In failing to exercise reasonable and ordinary care and failing to keep a sharp lookout so as to avoid striking any other object, especially your Plaintiff, contrary to MCL 257.402, MSA 9.2102;
- (g) In failing to maintain control at all times while upon the highway; In causing said commercial vehicle to be driven or moved on a highway when it is in such unsafe conditions as to endanger any person in violation of MSA 9.2383; MCLA 257.683;
- (h) In failing to adjust the speed of said commercial vehicle so as to enable it to merge safely with trunk line traffic as required by the provisions of MSA 9.2351; MCLA 257.651;
- (i) In failing, before turning from a direct line, to see that such movement could be made in safety, in violation of MCLA Sec. 257.648 (1977);
- (j) In failing before turning from a direct line, to give a signal of such intention to turn, in violation of MCLA 257.648 (1977);
- (k) In failing, before starting, to see that said movement could be made in safety;

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- (l) In failing, to accord traffic on the through street, the right of way;
- (m) Violating the above various statutes and regulations as well as, but not limited to, the Michigan Motor Carrier Liability Act and Motor Carrier Safety Regulations, making Defendants negligent per se;
- (n) Other improper actions of Defendants to be named upon further discovery, if necessary.

12. That in the happening of the aforementioned accident, Plaintiff was not guilty of any negligence or contributory negligence, but as a direct and proximate result of the negligence, carelessness, and willful and wanton conduct of the Defendant, your Plaintiff, was severely injured in the aforementioned collision and suffered severe and personal injuries amounting to a serious impairment of important body functions and severe and permanent disfigurement including, but not limited to, the following:

- (a) Torn Rotator Cuff, Cervical injuries, Traumatic Brain Injury, and others;
- (b) Injuries to the neck, back, arms, legs, body, head, bruises, abrasions, lacerations and contusions to the legs, injuries to muscles, ligaments and nerves of the arms, legs, neck, spine and back, convulsions and severe shock and injury to the nervous system, all of which amount to a severe and serious impairment of important body functions;
- (c) Injuries to the Plaintiff's psyche including, but not limited to, TBI and/or post concussion syndrome, severe depression and emotional as well as psychiatric impairments, all of which amount to a serious impairment of important body functions;
- (d) Other injuries to be listed upon further discovery.

13. That Plaintiff, prior to said incident, was a reasonably strong, healthy

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person and that because of the negligence of the Defendant, JAMES DOUGLAS BUTLER, and the injuries previously mentioned, Plaintiff became ill, sore, and lame, and suffers, and will continue to suffer pain, humiliation, mental anguish, gross indignity, and inconvenience because of the permanent nature of their injuries, as well as possible aggravation, activation or complication of preexisting conditions, all of which amount to a serious impairment of important body functions as well as serious and permanent disfigurements.

14. Due to the negligence of Defendant, JAMES DOUGLAS BUTLER, and the aforesaid injuries, Plaintiff has suffered lost wages, and each will continue to suffer lost wages, as well as a permanent impairment of their earning capacity as well as having been forced to spend sums of money for hospital bills, doctor bills, medication, counseling, replacement services, therapy, psychological counseling, and other items, and as a result of said injuries is and will be unable to participate in the usual activities of life which Plaintiff was able to participate in prior to said injuries.

15. All of the aforementioned injuries suffered by Plaintiff constitutes a serious impairment of important body functions, as well as severe and permanent disfigurement.

WHEREFORE, Plaintiff demands a judgment against the Defendants, jointly and severally for whatever amount in excess of Twenty Five Thousand (\$25,000.00) Dollars to which Plaintiff is found to be entitled by a jury, as well as the costs, interest and attorney fees so wrongfully sustained by Plaintiff.

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COUNT II

OWNER'S LIABILITY AND NEGLIGENT ENTRUSTMENT

16. Plaintiff hereby repeats all foregoing paragraphs as if fully set forth herein.

17. Upon information and belief, on November 5, 2018, Defendant, J RYAN TRUCKING, INC, was the owner, either by legal title or by exclusive control of a Peterbuilt Tractor Truck, displaying Ontario license plate No. 3066PV.

18. Defendant J RYAN TRUCKING, INC, consented to the use of the aforementioned vehicle by Defendant, JAMES DOUGLAS BUTLER, and he was otherwise using the vehicle with the implied and/or express consent of Defendant, J RYAN TRUCKING, INC. Under Michigan Statutes and Ordinances including, but not limited to, MCL 257.401, Defendant J RYAN TRUCKING, INC, is liable for injuries caused by vehicles they own.

20. On or about November 5, 2018 February 27, 2014, Defendant, JAMES DOUGLAS BUTLER, was using the vehicle owned by Defendant, J RYAN TRUCKING, INC with express and/or implied consent, and Defendant, JAMES DOUGLAS BUTLER negligently and recklessly operated said vehicle as further specified in COUNT I of this Complaint, and more specifically as set forth in Paragraphs 10 and 11 of this Complaint, which are adopted by reference herein.

21. The operation of the vehicle by Defendant, JAMES DOUGLAS BUTLER, said vehicle being owned by Defendant, J RYAN TRUCKING, INC, was a direct and proximate cause of Plaintiff's serious and permanent impairment of important body functions and serious and permanent disfigurement as more specifically set forth in

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Paragraphs 12 of this Complaint, said Paragraph being incorporated by reference herein.

22. In addition to the Owner's Liability Statute, Defendant, J RYAN TRUCKING, INC owed a duty to the Plaintiff and others similarly situated to entrust the vehicle it owned to a reasonable and prudent person who would operate said vehicle with such care and circumspection so as to reasonably protect the safety, health, life and property of the Plaintiff and others similarly situated.

23. That contrary to the aforementioned duties, Defendant, J RYAN TRUCKING, INC was negligent in that they entrusted their vehicle to Defendant, JAMES DOUGLAS BUTLER, whom they knew, or should have known, was by reason of prior accident history, prior experiences, lack of skill, care and judgment, was not qualified to operate said vehicle in a wise, careful and prudent manner so as to protect the safety, health and life of the Plaintiff and others similarly situated.

24. The consequences and damages flowing from Defendant's negligent entrustment were reasonably foreseeable.

25. Defendant, JAMES DOUGLAS BUTLER, in fact, operated the vehicle entrusted to him by Defendant, J RYAN TRUCKING, INC in a negligent and reckless manner as more specifically set forth in Paragraphs 10 and 11 of this Complaint, and which are adopted by reference herein.

26. That as a direct result of the negligent and reckless operation of a vehicle by Defendant, JAMES DOUGLAS BUTLER said vehicle being negligently entrusted to him by Defendant, J RYAN TRUCKING, INC, the Plaintiff was caused to sustain serious impairment of important body functions and serious and permanent

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disfigurements as more specifically set forth in Paragraphs 13 and 14 of this Complaint, and which are adopted herein by reference.

WHEREFORE, Plaintiff prays for a judgment against Defendants based upon the Owner's Liability Statute and based upon negligent entrustment and requests this Court enter a judgment in each of their favor for an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, together with interest, costs and attorney fees so wrongfully sustained.

COUNT III

VICARIOUS LIABILITY, RESPONDEAT SUPERIOR, and NEGLIGENCE

27. Plaintiff repeats all of the allegations previously set forth as if fully adopted herein.

28. Upon Information and belief on November 5, 2018 Defendant, JAMES DOUGLAS BUTLER, was an employee of Defendant, J RYAN TRUCKING, INC, and at all times relevant herein was in the course and scope of his employment for said Defendant.

29. The Defendant employer had duties under Michigan Common Law, as well as under Michigan Statutory Law, including, but not limited, to the Michigan Motor Carrier Liability Act and Motor Carrier Safety Regulations to properly train, supervise, and generally check upon and oversee the conduct of their employees so as to ascertain and enforce the safe conduct of Defendants' commercial drivers so as to not endanger the public at large, and the Plaintiff's Decedent in particular, but negligently failed to do so.

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30. Defendant, J RYAN TRUCKING, INC, as employer of Defendant, JAMES DOUGLAS BUTLER, is vicariously liable under the Doctrine of Respondeat Superior as well as Statutory Employee Rules for the conduct of their employees who act negligently, grossly negligently, and/or recklessly while in the course and scope of their employment.

31. The Defendant, J RYAN TRUCKING, INC's employee JAMES DOUGLAS BUTLER, was in fact negligent, grossly negligent, and reckless and wanton while in the scope and course of his employment driving a commercial truck, said negligence set forth more particularly in Count I of this Complaint, which is adopted fully by reference herein.

32. The actions of Defendant, JAMES DOUGLAS BUTLER, while in the course of his employment for the Defendant, J RYAN TRUCKING, INC, proximately caused the serious injuries to Plaintiff, for which Defendant become vicariously liable both by Respondeat Superior and under Statutory Employee Rules.

33. In addition to vicarious liability, the Defendant employer, J RYAN TRUCKING, INC, was/ also actively negligent and grossly negligent and reckless for failing to properly train, supervise, or generally oversee the conduct of its employee, JAMES DOUGLAS BUTLER, as well as violated statutes, including, but not limited to, the Michigan Motor Carrier Liability Act and Motor Carrier Safety Regulations, for which they are negligent per se, thereby making Defendants directly liable in addition to being vicariously liable.

34. Due to both the active negligence and vicarious liability of Defendant, J RYAN TRUCKING, INC, Plaintiff was proximately caused to suffer serious injuries.

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for which Plaintiff seeks compensation.

WHEREFORE, Plaintiff demands a judgment against the Defendants, jointly and severally in excess of One Million(\$1,000,000.00) Dollars to which Plaintiff is found to be entitled by a jury, as well as the costs, interest and attorney fees so wrongfully sustained by Plaintiff.

Respectfully submitted,

WEAVER & YOUNG, P.C.

/s/ GREGORY T. YOUNG
GREGORY T. YOUNG (P40125)
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Dated: October 5, 2021

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JAMES DOUGLAS BUTLER, and
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JURY DEMAND

NOW COMES the above-named Plaintiff, by and through plaintiff's
attorneys, Weaver & Young, P.C., and hereby request a jury trial in the above-
captioned matter.

Respectfully submitted,
WEAVER & YOUNG, P.C.

/s/ GREGORY T. YOUNG
GREGORY T. YOUNG (P40125)
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